

Message Text

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ACTION EB-11

INFO OCT-01 EA-11 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOT-00 INR-11 NSAE-00 RSC-01 FAA-00 L-03 SS-20 NSC-07

PA-04 PRS-01 USIA-15 DRC-01 /095 W

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P 010943Z AUG 74 ZDK

FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 5711

C O N F I D E N T I A L MANILA 9188

E.O. 11652: GDS

TAGS: EGEN, ETRN, RP, US

SUBJECT: CIVAIR - BILATERAL TALKS

REF: (A MANILA 9006; (B) STATE 166620

1. NOTE RECEIVED BY DEPARTMENT THE SAME IN BODY AS
REPORTED REF A. EMBASSY REPLY WHICH POUCHED JULY 31
AS FOLLOWS: QUOTE

THE EMBASSY OF THE UNITED STATES OF AMERICA
PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF FOREIGN
AFFAIRS AND HAS THE HONOR TO REFER TO THE DEPARTMENT'S
NOTE OF JULY 27, 1974 CONCERNING THE PHILIPPINE AIR
LINES DC-10 WHICH WAS TEMPORARILY IMPOUNDED BY UNITED
STATES AUTHORITIES AS A RESULT OF VIOLATIONS OF THE
REGULATIONS OF THE U.S. CIVIL AERONAUTICS BOARD.

THE EMBASSY CONSIDERS IT UNFORTUNATE THAT THE
PHILIPPINE AIR LINES, WHILE AWARE OF THE ABSENCE OF
USCAB CLEARANCE FOR THE FLIGHT PRIOR TO ITS DEPARTURE
FROM MANILA, AND DESPITE A USCAB SUGGESTION WHILE THE
AIRCRAFT WAS ON THE GROUND IN HONOLULU THAT THE FLIGHT
RETURN TO MANILA WITHOUT PENALTY, NEVERTHELESS DECIDED
TO TAKE THE AIRCRAFT ON TO SAN FRANCISCO, WHERE IT WAS
THEN IMPOUNDED.

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AS THE DEPARTMENT WAS INFORMED UNOFFICIALLY ON JULY 29, THE DC-10 WAS RELEASED ON THE AFTERNOON OF JULY 26, AFTER POSTING OF AN APPROPRIATE BOND BY PHILIPPINE AIR LINES, AND THE MATTER WILL NOW BE PURSUED IN ADMINISTRATIVE CHANNELS BETWEEN THE AIRLINE AND THE USCAB.

THE DEPARTMENT'S NOTE ALSO TOUCHES UPON THE SUBSTANCE OF NEGOTIATIONS WHICH HAVE BEEN TAKING PLACE BETWEEN THE DEPARTMENT AND THE EMBASSY CONCERNING AN INTERIM ARRANGEMENT ON CIVIL AVIATION WHICH WOULD PROVIDE THE AUTHORIZATION FOR PHILIPPINE AND U.S. CARRIERS TO EXPAND SERVICES BETWEEN THE PHILIPPINES AND THE UNITED STATES, INCLUDING NEW AND ADDITIONAL USES OF WIDE-BODIED AIRCRAFT.

THE EMBASSY HAS THE HONOR TO INFORM THE DEPARTMENT THAT IT WOULD WELCOME CONTINUATION OF THESE DISCUSSIONS AT THE DEPARTMENT'S CONVENIENCE WITH A VIEW TO REACHING EARLY AGREEMENT ON AN INTERIM ARRANGEMENT AND TO LAYING THE FOUNDATION FOR MORE EXTENSIVE NEGOTIATIONS TO TAKE PLACE IN WASHINGTON IN THE NEAR FUTURE.

THE EMBASSY AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE DEPARTMENT OF FOREIGN AFFAIRS THE ASSURANCE OF ITS HIGHEST CONSIDERATION
UNQUOTE

2. IN ADDITION TO EMBASSY COMMENTS IN NOTE, MABILANGAN HAS BEEN REMINDED THAT ALL DISCUSSIONS WERE AD REFERENDUM. HE AGREES THAT THIS WAS SO THROUGHOUT. HE SO INFORMED PAL REPRESENTATIVES VERY EARLY IN THESE TALKS, EVEN THOUGH PAL DOES NOT WANT FOR OBVIOUS REASONS TO ACCEPT THAT FACT, AND IT IS PAL'S THEORY OF THE PROBLEM THAT DOMINATES NOTE. MABILANGAN ALSO AFFIRMS, BUT WE WILL NEVER GET IT IN WRITING, AT THIS STAGE, THAT WQAL FLATLY REJECTED US PROPOSED COUNTER TO THE SO-CALLED QUOTE PACKAGES UNQUOTE AND THAT HE AS WELL AS THE PHIL CAB CONVEYED THIS RESPONSE TO EMBASSY.

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3. AS OUR NOTE SUGGESTS, WE SEE NO FUTURE IN GETTING INTO A DEBATE OF FOREGOING ASPECT OF THE SUBJECT BUT WE DID WISH TO SET THE RECORDS STRAIGHT ON THE FACTS RELEVANT TO THE SEIZURE OF THE DC-10. THESE FACTS HAVE BEEN CONVEYED ORALLY IN DEPTH TO EXECUTIVE SECRETARY MELCHOR WHO SEEMED TO FIND THE OPPORTUNITY PRESENTED TO PAL AT HONOLULU A VERY POSITIVE GESTURE ON U.S. PART.

4. RE STATUS SUBSTANCE THESE TALKS GOP STILL CONSIDERING
MATTER INTERALLY AS OF C.O.B. AUGUST 1. WE NOTE REPORT THAT
DC-10 HAS RETURNED TO MANILA, BRINGING WITH IT SPARE PARTS
STORES FROM BOTH SAN FRANCISCO AND HONOLULU, AND WE TAKE THIS
TO IMPLY EITHER EXPECTATION OF A LONG SIEGE OR PLAN TO
MAKE REGIONAL USE AIRCRAFT PENDING RESOLUTION US-RP
BILATERAL ISSUE.

5. FOR OUR PART WE BELIEVE BETTER PART OF VALOR IS TO
RELAX FOR THE MOMENT, BEING AVAILABLE TO GOP AT ANY TIME
TO ATTEMPT SORT OUT REMAINING DRAFTING ISSUE BUT OTHERWISE
GIVING MATTER A FEW DAYS TO COOL.

6. COMMENT: IN DFA NOTE AND IN ROMULO'S COMMENTS TO
AMBASSADOR, GOP CLEARLY HAS SOUGHT TO KEEP OFFICIAL
EXCHANGE IN MODERATE KEY. ROMULO ALSO HAS INDICATED
CONSIDERABLE GOP IMPATIENCE AND ANNOYANCE WITH PAL'S
PERFORMANCE.
SULLIVAN

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